

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

SOPHIE J. HOWE
Claimant

**DIA APPEAL NO. 20IWDUI0105
IWD APPEAL NO. 20A-UI-02909**

**ADMINISTRATIVE LAW JUDGE
DECISION**

SLB OF IOWA LC
Employer

**OC: 03/15/20
Claimant: Appellant (1)**

Iowa Code § 96.5(2)a – Discharge for Misconduct
Iowa Code § 96.5(1) – Voluntary Quitting
Iowa Code § 96.3(7) – Recovery of Overpayment

STATEMENT OF THE CASE:

The claimant filed an appeal from the April 2, 2020 (reference 01) unemployment insurance decision that denied benefits based upon her separation from employment. The parties were properly notified of the hearing. A telephone hearing was held on May 1, 2020. The claimant, Sophie Howe, participated and presented testimony. The employer, SLB of Iowa participated through its Human Resources Manager, Karen Beard, who also presented testimony. Employer's Exhibit A was admitted as evidence without objection.

ISSUES:

Did claimant voluntarily quit the employment with good cause attributable to employer?

FINDINGS OF FACT:

Claimant has worked for SLB of Iowa, doing business as Panera's, on three different occasions. She began working for Panera's for the last time on October 4, 2017. Howe was also a full-time DMACC student at the time she was working. Due to her class schedule and concerns for the impact her full-time job was having on her grades, she downgraded to a part-time position in March of 2019. Her job at that time was Shift Supervisor. Howe continued to go to school and work but felt the demands of her job continued to interfere with her education. She spoke with her General Manager, Terry McHugh, on or around July 1, 2019, informing him she needed to terminate her employment. She had an upcoming vacation, but indicated she was willing to work after she returned from vacation, until the 24th of July. Howe stated McHugh told her she could terminate employment as of her vacation, July 8, 2019, with no adverse consequences. Howe also submitted a written notice of resignation on July 1, 2019, indicating her last day of work would be July 14, 2019, in order to provide two weeks' notice to the employer.

Howe stated she filed for unemployment because she had been working on campus but due to the pandemic, she lost her jobs. She applied for unemployment at that point and was denied benefits. She appealed that decision because she thought that was how she was supposed to do it. She did not contest that she voluntarily quit her employment at Panera's and stated she didn't want to damage her relationship with Panera's.

REASONING AND CONCLUSIONS OF LAW:

Iowa Code §96.5(1) provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

Iowa Admin. Code r. 871-24.25(20) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code section 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code section 96.5, subsection (1), paragraphs "a" through "i," and subsection 10.

Claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). "Good cause" for leaving employment must be that which is reasonable to the average person, not the overly sensitive individual or the claimant in particular. *Uniweld Products v. Indus. Relations Comm'n*, 277 So.2d 827 (Fla. Dist. Ct. App. 1973). A notice of an intent to quit had been required by *Cobb v. Emp't Appeal Bd.*, 506 N.W.2d 445, 447-78 (Iowa 1993), *Suluki v. Emp't Appeal Bd.*, 503 N.W.2d 402, 405 (Iowa 1993), and *Swanson v. Emp't Appeal Bd.*, 554 N.W.2d 294, 296 (Iowa Ct. App. 1996). Those cases required an employee to give an employer notice of intent to quit, thus giving the employer an opportunity to cure working conditions. However, in 1995, the Iowa Administrative Code was amended to include an intent-to-quit requirement. The requirement was only added to rule 871-24.26(6)(b), the provision addressing work-related health problems. No intent-to-quit requirement was added to rule 871-24.26(4), the intolerable working conditions provision. Our supreme court recently concluded that, because the intent-to-quit requirement was added to rule 871-24.26(6)(b) but not 871-24.26(4), notice of intent to quit is not required for intolerable working conditions. *Hy-Vee, Inc. v. Emp't Appeal Bd.*, 710 N.W.2d 1 (Iowa 2005).

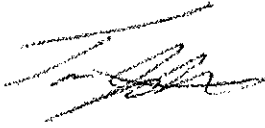
In this case, the undersigned finds the claimant did voluntarily quit her employment. Claimant did not provide evidence that would support a finding that her resignation was for good cause attributable to the employer.

The undersigned finds the claimant's and employer's testimony to be credible. The parties agree on the salient facts of the case and their statements are further supported by the evidence presented in Exhibit A, her resignation letter. The claimant did voluntarily quit her employment as of July 8, 2019.

DECISION:

The April 2, 2020 (reference 01) unemployment insurance decision is **affirmed**. Claimant voluntarily quit her employment on July 8, 2019. This decision does not prohibit Claimant from seeking benefits she may be entitled to during the pandemic. Notice to Claimant regarding unemployment benefits due to the pandemic are included at the end of this decision.

Benefits for this period are denied. Benefits were also denied by the IWD representative's decision. No overpayment exists.



Tricia A. Johnston
Administrative Law Judge

May 4, 2020
Decision Dated and Mailed

Note to Claimant: This decision determines you are not eligible for regular unemployment insurance benefits. If you disagree with this decision you may file an appeal to the Employment Appeal Board by following the instructions on the first page of this decision. Individuals who do not qualify for regular unemployment insurance benefits due to disqualifying separations, but who are currently unemployed for reasons related to COVID-19 may qualify for Pandemic Unemployment Assistance (PUA). **You will need to apply for PUA to determine your eligibility under the program.** Additional information on how to apply for PUA can be found at <https://www.iowaworkforcedevelopment.gov/pua-information>.